IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 29538 of 2007(N)

PETITIONER:

LIJI C.MATHEW, PILICAMATTATHIL HOUSE,
MANARCADU P.O., THAKADIYIL BHAGAM,
KOTTAYAM DISTRICT.

BY ADV. SRI.O.V.MANIPRASAD
SRI.ANOOP MATHEW ABRAHAM

RESPONDENTS:

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1. INSURANCE OMBUDSMAN, OFFICE OF THE
INSURANCE OMBUDSMAN, 2ND FLOOR,
CC 27/2603, PULINAT BUILDINGS, M.G.ROAD,
ERNAKULAM.

2. HDFC CHUBB GENERAL INS.CO.LTD.,
5TH FLOOR, EXPRESS TOWERS, NARIMAN POINT,
MUMBAI-400 021.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 29538 OF 2007 N
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Dated this the 16th October, 2007

J U D G M E N T

The claim for insurance amount raised by the petitioner has been repudiated by the Insurance Company as per Ext. P4 alleging violation of the insurance policy. This has been confirmed by the 1st respondent in Ext. P8. It is specifically found in Ext. P8 that in terms of the policy of insurance, there is exclusion of liability if the vehicle involved in the accident is a motor cycle over 150 CC. Admittedly the vehicle in question was of 346 CC. If that be so, there is a patent violation of the terms of the insurance policy and its repudiation as confirmed in Ext. P8 is unassailable.

Writ petition fails and is dismissed.

ANTONY DOMINIC,
JUDGE

jan/-